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COMCAST POST-HEARING OPENING BRIEF

APPENDIX 5

**California State and Consumer Services Agency, Department of Consumer Affairs,
Enrolled Bill Representative on Assembly Bill No. 936 (1989-1990 Reg. Sess.) June 30, 1989**

ENROLLED BILL REPORT

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AGENCY: STATE AND CONSUMER SERVICES AGENCY

BILL NUMBER: AB 936

DEPARTMENT, BOARD OR COMMISSION: CONSUMER AFFAIRS

AUTHOR: HUGHES

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BILL SUMMARY

Existing law prohibits telephone and telegraph corporations regulated by the California Public Utilities Commission (PUC) from disclosing certain information concerning residential subscribers without the subscriber's consent, except in specified instances. This provision does not, however, specifically prohibit the disclosure of a telephone subscriber's unlisted telephone access number.

AB 936 would specifically prohibit a telephone corporation which sells lists of its residential subscribers from including the telephone number of any subscriber with an unpublished or unlisted access number, as defined, without his or her consent, except in specified instances. It would also provide that every deliberate violation of this provision is grounds for a civil suit by the telephone subscriber.

This bill also would allow a telephone subscriber to waive all or part of the protection provided by the bill through written notice to the telephone corporation.

AB 936 would specifically allow telephone companies to disclose residential telephone numbers (listed or unlisted) to the following exempt organizations or agencies:

- (1) a collection agency to the extent disclosures made by the agency are supervised by the PUC, exclusively for the collection of unpaid debts. According to the PUC this only would affect collection agencies under contract with a telephone corporation.
- (2) an emergency service agency for responding to a 911 call or communicating an imminent threat to life or property.
- (3) a lawful process issued under state or federal law.
- (4) a telephone corporation providing service between service areas for the provision to the subscriber of telephone service between service areas, or to third parties for the limited purpose of providing billing services.

VOTE:	Assembly		Partisan R D	Senate		Partisan R D
	Floor:	72 - 0 (CONCURRENCE)		Floor:	37 - 0	
Policy Committee:	9 - 0			Policy Committee:	7 - 0	
Fiscal Committee:				Fiscal Committee:		

RECOMMENDATION TO GOVERNOR:

SIGN ☒ VETO ☐ NO POSITION ☐ DEFER TO OTHER AGENCY ☐

DEPARTMENT DIRECTOR: Michael H. Kelly DATE: 6/30/89 AGENCY SECRETARY: Cynthia Taylor DATE: 6/30/89

- (5) the PUC pursuant to its jurisdiction and control over telephone and telegraph corporations.

AB 936 also would define "unpublished or unlisted access number" to mean a number for a telephone, telex, facsimile (fax), computer modem, or similar equipment or any other code number which is assigned to a subscriber by a telephone or telegraph corporation for the receipt of communications initiated by other telephone or telegraph customers; and which the subscriber has requested that the telephone or telegraph corporation keep in confidence.

BACKGROUND

The PUC is responsible for regulating the rates and services of private investor-owned utilities, which includes local telephone corporations. Local telephone companies have increasingly been allowed to charge for new services. These services include allowing telephone customers to request "unlisted" or "unpublished" telephone numbers, and selling information, with specific restrictions, to those requesting lists of specific telephone numbers.

The author (sponsor) introduced AB 936 in response to concerns raised about information obtained by telemarketing agents. This bill would specify that lists which are sold by a telephone company to customers must exclude "unlisted" numbers and must also exclude the numbers of telephone subscribers who request their telephone numbers be "unpublished."

A few years ago, the announcement by local telephone companies in California about their intentions to sell lists of subscribers' telephone numbers generated public criticism from various groups and individuals. Presently Pacific Bell and GTE California say they do not "sell" lists; however, the practice of providing telephone numbers for a charge to those who seek lists of specific addresses still occurs, according to the author.

AB 936 would prohibit those telephone companies which sell lists of residential telephone subscribers from including those "access numbers" (such as "fax" telephone numbers) which the subscribers have requested to be unlisted or unpublished. The bill would define "unpublished or unlisted access number" to mean a code number assigned to a subscriber by a telephone company meant to access a variety of communication technologies, which the subscriber has requested be kept in confidence.

AB 936 would provide that the selling of unlisted or unpublished numbers would be the grounds for a civil suit against telephone company but only if the release of such numbers were "deliberate" violations.

SPECIFIC FINDINGS

The department notes that the standard of "deliberate violation" in the bill is unique to this provision, and that its meaning is unclear. The department understands that this amendment was taken at the advice of Pacific Bell which is concerned that an inadvertent release of a telephone subscriber's telephone number should not be considered a violation of the provisions of the bill. The department will consider an amendment to this section next year specifying, instead, that an bona fide error by telephone company would not be cause for a civil suit.

FISCAL IMPACT

No fiscal impact to this department.

SOCIOECONOMIC IMPACT

Unknown socioeconomic impact to consumers. Under this bill a deliberate violation of its provision by a telephone corporation could result in a civil suit by a telephone subscriber. However, this bill does specify instances when the release of a residential telephone subscriber's unlisted or unpublished telephone number would be allowed. Consumers and businesses would benefit from this clarification of exempt releases of unlisted and unpublished telephone numbers.

INTERESTED PARTIES

Proponents: The author is the sponsor.
- no other positions on file

Neutral: Pacific Bell
Public Utilities Commission
The PUC has reviewed this proposal and supports the concept of a statutory plan for the release of unlisted and unpublished residential telephone numbers.

ARGUMENTS

Proponents argue that this bill is necessary to specify when a residential telephone subscriber's unlisted or unpublished telephone numbers may be released, and to otherwise prohibit a telephone corporation from releasing an unlisted or unpublished telephone number without first obtaining the residential subscriber's written consent. This bill also would provide that every deliberate violation of this provision is grounds for a civil suit by the aggrieved telephone subscriber.

RECOMMENDATION

The Department of Consumer Affairs recommends that the Governor SIGN Assembly Bill 936 into law for the reasons stated by the proponents.